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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/702,292	11/06/2003	Helko Meuche	P01,0046-03	4138

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**SCHIFF HARDIN & WAITE**

Patent Department  
6600 Sears Tower  
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Chicago, IL 60606

EXAMINER
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NGUYEN, TUYEN T

ART UNIT	PAPER NUMBER
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2832

DATE MAILED: 04/01/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/702,292

Applicant(s)

MEUCHE ET AL.

Examiner

TUYEN T. NGUYEN

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☒ Certified copies of the priority documents have been received in Application No. 09/772,833.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>9/7/04</u> . | 6) <input type="checkbox"/> Other: ____.  |

## DETAILED ACTION

### *Claim Rejections - 35 USC § 112*

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-11 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claim 1, line 3, applicant should clarify what is intended by “they have the same length as the middle bleb given a ferrite core without an air gap.” In lines 3-5, applicant should clarify what is intended by “or, given a ferrite core with an air gap, differ by its width from the length of the middle bleb, and extend along the longitudinal axis (L) of the ferrite core.”

Regarding claim 2, there is no antecedent basis for “the inwardly facing surfaces of the side parts.”

Regarding claim 5, applicant should clarify what is intended by “*fashioned as* an EP core having a rectangular circumference parallel to the attachment and *cubic outside measurements*.”

Regarding claim 6, applicant should clarify the structure and arrangement of the longest/shortest diameter of the middle bleb.

### *Claim Rejections - 35 USC § 102*

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

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Claims 1-9, as best understood in view of the rejection under 35 USC 112 second paragraph, are rejected under 35 U.S.C. 102(b) as being anticipated by Mitsui [US 4,760,366] or Kijima [US 4,352,081].

Mitsui discloses a magnetically closed circuit ferrite core for a transformer [figures 1-3] formed of a pair of identical/symmetrical core elements [21] with at least one winding wound thereabout, each core element comprising:

- two side parts [24], wherein the two side parts having a constant cross-section;
- a middle bleb [23], wherein the middle bleb having an oval cross section without edges or corners;
- an end piece [22] connecting two side parts and the middle bleb;
- an attachment plane [24b, figure 1a]; and
- a winding body forming by a hollow space between the two side parts and the middle bleb, wherein the hollow space having a maximum opening toward the bottom regarding the attachment plane [figure 1a] and is mainly closed toward the top.

Regarding claim 3, Mitsui discloses the side parts having top surfaces parallel with the attachment plane higher than the middle bleb.

Regarding claim 6, Mitsui discloses the middle bleb having a longest diameter and a shortest diameter, wherein the longest diameter corresponds to the 1.2 to 5.0 times of the shortest diameter [figure 1a].

Kijima discloses a magnetically closed circuit ferrite core for a transformer [figures 5-8 and 10] formed of a pair of identical/symmetrical core elements [11, 12] with at least one winding [16] wound thereabout, each core element comprising:

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- two side parts [11a, 11b or 12a, 12b], wherein the two side parts having a constant cross-section;
- a middle bleb [11c, 12c, figure 8], wherein the middle bleb having an oval cross section without edges or corners;
- an end piece [figure 5] connecting two side parts and the middle bleb;
- an attachment plane [figures 6b, figure 8]; and
- a winding body forming by a hollow space between the two side parts and the middle bleb, wherein the hollow space having a maximum opening toward the bottom regarding the attachment plane [8] and is mainly closed toward the top.

Regarding claim 3, Kijima discloses the side parts having top surfaces parallel with the attachment plane higher than the middle bleb.

Regarding claim 6, Kijima discloses the middle bleb having a longest diameter and a shortest diameter, wherein the longest diameter corresponds to the 1.2 to 5.0 times of the shortest diameter [figure 8].

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 10-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mitui or Kijima.

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Mitsui or Kijima discloses the instant claimed invention except for the intended use of the ferrite core.

The specific intended use of the ferrite core would have been an obvious design consideration based on the intended applications/environments.

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- Hoffman et al. [US 6,501,362]; Mulder et al. [US 5,140,291]; Mitsui et al. [US 4,424,504]; Ehgott et al. [US 4,283,699] and Hisano [US 3,371,301].

Any inquiry concerning this communication or earlier communications from the examiner should be directed to TUYEN T. NGUYEN whose telephone number is 571-272-1996. The examiner can normally be reached on M-F 8:30-6:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, ELVIN ENAD can be reached on 571-272-1990. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

TTN *TTN*

*Tuyen T. Nguyen*